

### **REMARKS**

Claims 22, 25, 26, 28-30, and 32-40 are pending in the Application. Claim 22 is the sole independent claim. Claims 22, 25, 26, 28, 30, 32-35, and 38 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,748,986 to Morrison *et al.* ("Morrison") in view of U.S. Patent No. 6,106,485 to McMahon ("McMahon") and U.S. Patent No. 5,443,907 to Slaikeu *et al.* ("Slaikeu"). Claim 29 is rejected under 35 U.S.C. § 103(a) over Morrison, McMahon and Slaikeu, further in view of U.S. Patent No. 5,947,940 to Beisel ("Beisel"). Claim 36 is rejected under 35 U.S.C. § 103(a) over Morrison, McMahon and Slaikeu, further in view of U.S. Patent No. 5,997,517 to Whitbourne ("Whitbourne"). Finally, claims 37, 39, and 40 are rejected under 35 U.S.C. § 103(a) over Morrison, McMahon and Slaikeu, further in view of U.S. Patent No. 5,052,404 to Hodgson ("Hodgson").

### **Form PTO-1449**

The copy of sheet 3 of 3 of the Form PTO-1449 that was sent to Applicants on April 10, 2001 does not have initials next to references C1 and C2. Please initial them and send a copy of the initialed Form PTO-1449 with the next communication from the Office.

### **Claim Amendment**

Claim 22 is hereby amended to correct a typographical error. Support for the amendment is found in the specification at least on page 10, lines 5-6. Upon entry of this amendment, claims 22, 25, 26, 28-30, and 32-40 will be pending.

### **Remarks Regarding Rejections**

Applicants' undersigned representative thanks Examiner Hindenberg for returning his calls in September, 2003, but notes that an actual telephonic interview never took place.

Applicants traverse the rejections and respectfully request reconsideration and withdrawal of them.

Independent claim 22 recites, in part, "a continuous, unitary coil composed of a second material and that surrounds a substantial portion of the length of the core and extends distal of the distal portion of the core."

Morrison does not teach or suggest "a continuous, unitary coil ...that surrounds a substantial portion of the length of the core and extends distal of the distal portion of the core,"

as recited in claim 22. Instead, Morrison discloses two coils, as shown in the embodiment of Figures 1 and 3, and also the other embodiment of Figures 4 and 5.

With respect to the embodiment of Figures 1 and 3, Morrison describes a first elongate coil 13 that extends substantially the entire length of the elongate element "from the proximal end to near the commencement of the tapered portion 12b." (Morrison, col. 2, lines 66-68). Morrison further describes a second elongate coil 16 "which adjoins the first elongate coil 13." (Morrison, col. 3, lines 11-12). This embodiment described in Morrison has two coils.

At page 4, the Office action indicates that "Morrison teaches [a continuous, unitary coil] in his 2<sup>nd</sup> embodiment shown in figure 4." Morrison describes a second embodiment, shown in Figures 4 and 5, "in which the floppy guide wire 31 consists of a flexible elongate element 32 and a flexible tapered coil 33." (Morrison, col. 4, lines 26-28). The difference between the first embodiment shown in Figures 1, 2, and 3 and the second embodiment shown in Figures 4 and 5 is not the number of coils employed, but rather the shape of the first elongate coil. More particularly, Morrison indicates that "the flexible coil 33 [in Figure 4] can be formed as the [first elongate] coil 13 shown in the embodiment in FIGS. 1, 2, and 3 or preferably, as shown in the FIGS. 4 and 5, it can be formed with a tapered coil of the type described in co-pending application Ser. No. 724,624 filed on Apr. 18, 1985." (Morrison, col. 4, lines 37-41). The coil 33 thus can take the form of either the first elongate coil 13 shown in Figure 1 (which is not tapered) or the tapered coil described in the co-pending application.

The tapered coil described in co-pending application Ser. No. 724,624, which is now issued U.S. Patent No. 4,619,274 ("the '274 patent"), does not extend distal of a distal portion of an elongate core. The '274 patent describes a tapered coil 16 (see, the '274 patent, col. 2, line 36) positioned on a core element 12 (see, the '274 patent, col. 3, lines 63-64). A second coil 23 "is then taken and its proximal extremity is positioned on the core element 12 and threaded into the distal extremity of the coil or coil section 16." ('274 patent, col. 4, lines 9-12). Once the coils have been threaded together, "a suitable solder can be utilized for forming a joint 34 between the juxtaposed ends of the coils 23 and 16 and also to bond the same to the distal extremity of the core element 12." ('274 patent, col., lines 12-16). Thus, the '274 patent does not describe "a continuous, unitary coil ...that surrounds a substantial portion of the length of the core and extends distal of the distal portion of the core," as recited in claim 22.

The cross-section of the coils in Figures 1 and 4 of Morrison are helpful in properly understanding Morrison. Figure 1 shows the cross-section of the first elongate coil 13 juxtaposed to the second elongate coil 16. The cross-sectional view of the first elongate coil 13 is denoted by forward hatch marks. In contrast, the cross-sectional view of the second elongate coil 16 is denoted by backward hatch marks. This pattern of cross-sectional indicia is repeated in Figure 4. Specifically, the cross-section of tapered coil 33 is represented by forward hatch marks, while the cross-section of the other coil (which extends distal of a brazed joint 37) is represented by backward hatch marks.

37 C.F.R. § 1.84(h)(3) recites:

[t]he various parts of a cross section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross section. The hatching of juxtaposed different elements must be angled in a different way. ... Different types of hatching should have different conventional meanings as regards to the nature of a material seen in cross section.

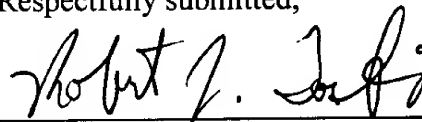
The different-angled hatching employed in Figure 1 clearly differentiates the first elongate coil 13 from the second elongate coil 16. Also, Figures 1 and 3 illustrate the threaded connection section as a few coil turns having alternating forward and backward hatch marks. Figure 4 of Morrison uses the same different-angled hatching as Figures 1 and 3. Thus, Morrison describes the embodiment of Figure 4 as having two coils.

As previously submitted in response to the prior action, McMahon, Slaikeu, Beisel, Whitbourne, and Hodgson fail to remedy the deficiencies of Morrison, because neither McMahon, Slaikeu, Beisel, Whitbourne nor Hodgson teaches or suggests a continuous, unitary coil composed of a second material and that surrounds a substantial portion of the length of the core and extends distal of the distal portion of the core, as recited in claim 22.

**CONCLUSION**

In view of the foregoing, Applicants request reconsideration, withdrawal of all grounds of rejection and objection, and allowance of claims 22, 25, 26, 28-30, and 32-40 in due course.

Respectfully submitted,



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